

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:	Chapter 7
Camara Bowden,	Bankruptcy No. 22-00746
Debtor	Honorable Donald R. Cassling

NOTICE OF MOTION

TO: See attached list

PLEASE TAKE NOTICE that on April 5, 2022, at 9:30 a.m., I will appear before the Honorable Donald R. Cassling, or any judge sitting in that judge's place, and present the **Motion of Camara Bowden, Debtor, to Compel Abandonment, and to Shorten Notice**, a copy of which is attached.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

Meeting ID and password. The meeting ID for this hearing is 161 414 7941 and the password is 619. The meeting ID and password can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

Camara Bowden,

By: /s/ Justin Storer
One of His Attorneys

Justin R. Storer (6293889)
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CERTIFICATE OF SERVICE

I, Justin Storer, an attorney, hereby certify that on March 29, 2022, pursuant to Section II.B.4 of the Administrative Procedures for the Case Management/Electronic Case Filing System and Fed.R.Civ.P. 5(a), I caused a copy of the foregoing *Notice of Motion* and the accompanying *Motion* to be served electronically through the Court's Electronic Notice for Registrants on all persons identified as Registrants on the below Service List and by U.S. mail on all other persons identified on the attached Service List.

/s/ Justin Storer

SERVICE LIST

Registrants in the Case

(Service via ECF)

Ira Bodenstein

iratrustee@cozen.com

Patrick S. Layng

ustpregion11.es.ecf@usdoj.gov

Non-registrants in the Case

(Service via first-class mail; including list of all creditors following)

Northwestern Mutual

720 E. Wisconsin Ave.

Milwaukee, WI 53202

Alyssa Crawford
c/o Daniel Zemans
2023 W. Berteau Ave.
Chicago, IL 60618-3179

Ameri-Team Express
PO Box 297879
Fort Lauderdale, FL 33329-7879

BMO Harris
PO Box 94934
Lincolnshire, IL 60069

BMO Harris Bank
PO Box 2008
Milwaukee, WI 53201-2008

Ascentium Capital
23970 Highway 59 North
Kingwood, TX 77339-1535

Capital One Bank
PO Box 31293
Salt Lake City, UT 84131-0293

JPMORGAN CHASE BANK N A
BANKRUPTCY MAIL INTAKE TEAM 700
KANSAS LANE FLOOR 01 MONROE LA
71203-4774

Bank of America
PO Box 982238
El Paso, TX 79998-2238

Comenity Bank
PO Box 182789
Columbus, OH 43218-2789

Dantea Grayson
11624 S. Bell Ave.
Chicago, IL 60643-4716

City of Chicago
Nonpriority Creditor's Name
Department of Admin. Hearings
400 W. Superior
Chicago, IL 60654-3409

HOME POINT FINANCIAL CORPORATION
11511 LUNA ROAD
2ND AND 3RD FLOOR
FARMERS BRANCH TX 75234-6451

IC System Inc
PO Box 64378
Saint Paul, MN 55164-0378

DISCOVER FINANCIAL SERVICES LLC
PO BOX 3025
NEW ALBANY OH 43054-3025

ILLINOIS DEPARTMENT OF REVENUE
BANKRUPTCY UNIT
PO BOX 19035
SPRINGFIELD IL 62794-9035

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

Illinois Department of Labor
160 N. LaSalle St., Suite C-1300
Chicago, IL 60601-3114

Nonpriority Creditor's Name
1100 Winter Street
Suite 4600
Waltham, MA 02451-1453

Peggy Taylor, et al.
4728 S. Prairie Ave., Unit 1
Chicago, IL 60615-1210

Municipal Collection Service
PO Box 327
Palos Heights, IL 60463-0327

Robert Cole
c/o Daniel Zemans
2023 W. Berteau Ave.
Chicago, IL 60618-3179

Samsara
Nonpriority Creditor's Name 1170
Peachtree Street, 9th Floor
Atlanta, GA 30309-7649

Peoples Energy Credit Union
200 E. Randolph St.
22nd Floor
Chicago, IL 60601-6433

Sedrick Morris
c/o Shimanovsky & Moscardini
130 S. Jefferson St., Suite 350
Chicago, IL 60661-5762

Shanice Hayes
6411 S. Washtenaw Ave. Chicago,
IL 60629-1733

Santander Bank, N.A.
3 Huntington Quad
Suite 101N
Melville, NY 11747-4623

US BANK
PO BOX 5229
CINCINNATI OH 45201-5229

Camara Bowden
11624 S. Bell Ave.
Chicago, IL 60643-4716

Sharon Hamilton
4728 S. Prairie, Unit 3
Chicago, IL 60615-1210

Synovus Bank

1797 N. East Expy NE

Brookhaven, GA 30329-7803

Tara Walker

4728 S. Prairie, Unit 2

Chicago, IL 60615-1210

Transworld Systems Inc.

500 Virginia Drive, Suite 514

Fort Washington, PA 19034-2733

WESTLAKE COMMUNITY HOSPITAL

123 N WACKER DRIVE

SUITE 1800

CHICAGO IL 60606-1770

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:	Chapter 7
Camara Bowden,	Bankruptcy No. 22-00746
Debtor	Honorable Donald R. Cassling

**MOTION TO COMPEL TRUSTEE TO ABANDON PROPERTY OF THE
ESTATE AND TO SHORTEN NOTICE**

Camara Bowden (the “*Debtor*”) seeks an order compelling the chapter 7 Trustee to abandon certain exempt property, to wit, the Debtor’s postpetition right to receive disability benefits, which accrued both prepetition and postpetition. This right has been scheduled and is asserted to be exempt.

Even if the exemption would otherwise be found not to be objectionable, an order compelling abandonment is necessary for practical purposes: The Debtor has no income at this moment, and the debtor’s disability insurance carrier, Northwestern Mutual, has requested clarifying authority to memorialize that it may make payment to the Debtor.

JURISDICTION

1. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334, and Local Rule 40.3.1(a) of the United States District Court for the Northern District of Illinois.

2. Venue of the above-captioned case (the “*Case*”) and of this motion is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

3. This matter is a core proceeding within the meaning of 28 U.S.C. §§ 157(b)(1) and (b)(2)(A).

BACKGROUND

4. On January 23, 2022 (the “**Petition Date**”), the Debtor filed a voluntary petition for relief under chapter 7 of title 11, United States Code (the “**Bankruptcy Code**”), thereby initiating the Case.

5. Ira Bodenstein was appointed as the interim trustee in the Case pursuant 11 U.S.C. § 701. The original meeting of creditors pursuant to § 341 of the Bankruptcy Code was conducted on February 15, 2022, and has been continued for follow-up.

6. On March 9, 2022, the Debtor filed amended schedules A/B and C, disclosing that he was entitled to receive \$2,000 per month disability, plus an (approximately) \$16,000 arrearage as disability insurance benefits. The Debtor asserted that this right was 100% exempt, pursuant to 735 ILCS 5/12-1001(g)(3).

7. This exemption protects “The debtor’s right to receive: [...] a disability, illness, or unemployment benefit.”

DISCUSSION

8. Pursuant to section 554(b) of the Bankruptcy Code, “on request of a party in interest and after notice and a hearing, the court may order the trustee to abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate.”

9. The Debtor’s right to receive disability insurance benefits is exempt, and were these benefits paid to the Trustee, he would simply refund them to the Debtor, and so this right is burdensome and of inconsequential value to the estate.

10. The asserted exemption not having become “final,” by way of the Trustee’s declining to file a timely objection to the exemption and the subsequent closure of the case, see *Lulay Law Offices v. Rafter*, 579 B.R. 827, 833 (N.D.Ill. 2017), the Debtor submits that abandonment is appropriate. (To clarify this point, the deadline for the trustee to make any

such objection has not even commenced to run; the section 341 meeting has not been concluded.)

NOTICE

11. Seven days' notice of this motion has been provided to a) the Trustee, b) the United States Trustee, and c) all parties that receive electronic notice in this matter.

12. The Debtor acknowledges that under Rule 6004(b), a party in interest may serve a notice of objection to a motion to compel a Trustee's abandonment within 14 days of the mailing of the notice. The Debtor submits that due to the relatively-uncomplicated facts at hand and personal urgency, that shortened notice is appropriate, and authorized by 6004(b), providing that objection can be made within 14 days, "or within the time fixed by the court."

13. The Debtor respectfully requests that the Court deem the notice sufficient under the circumstances.

WHEREFORE, the Debtor respectfully requests this Court enter an order compelling the Trustee to abandon the Debtor's right to receive disability benefit payments from Northwestern Mutual, authorizing Northwestern Mutual to make such payments to the Debtor directly in comport with its ordinary policies, and issuing such further relief as the Court deems appropriate.

Dated: March 29, 2022

Camara Bowden

By: /s/ Justin R. Storer
One of his attorneys

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